

sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

**SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.**

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

**SEC. 8. CONSTRUCTION AND COMPLIANCE.**

(a) **CONSTRUCTION.**—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act;

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(4) to permit parties subject to the National Labor Relations Act (29 U.S.C. 151 et seq.) and the regulations under such Act to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours; or

(5) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term "employee" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) **COMPLIANCE.**—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. GREGG. This is the same amendment I offered before. Obviously, it was removed from being in order because the underlying amendment was withdrawn, so I have reoffered it to keep it in the batting order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I was happy to do that. I will continue going through section by section.

When we talk about improved inter-agency consultation, this is another area where this bill is different from the reauthorizations we had in the past. We had intra-agency consultation as well as consultation at the various levels of Government. The States have a much larger voice in the recognition that they are more aware of the problems that exist than we are in Washington. It is very positive. Therefore, the States and MPOs are encouraged to consult with State and local air quality agencies in developing criteria from CMAQ projects and when making decisions as to which projects and programs to fund.

Section 1614 is the evaluation assessment of the CMAQ projects. To ensure that information on successful CMAQ projects is widely available, the Department of Transportation is directed to consult with the EPA to evaluate and assess a representative sample of CMAQ projects to maintain and disseminate a database of these projects.

Section 1615 is synchronized planning and conformity timelines, requirements, and horizon. Currently, the schedules for demonstrating conformity are not the same as the schedules for adopting long-range transportation plans and transportation improvement programs. That is TIPS. This disconnect has caused some areas to be in a continuous planning and conformity cycle.

In response to this inconsistency, the bill aligns the long-range plan updates, TIP updates, and conformity determinations for metropolitan areas on consistent 4-year cycles. Heretofore, there were various cycles and this conforms them to each other.

The bill also changes how far into the future the conformity determination must look to more closely match the length of time covered by the State's air quality plan referred to as a State implementation plan, or SIP plan.

Currently, conformity determinations take a 20-year outlook on the transportation planning side, even though most SIPs cover no more than 10 years. Obviously, we are trying to conform them with each other.

Section 1616 is in regard to the transition to new air quality standards. EPA plans to designate nonattainment areas for the new 8-hour ozone standard, that we have gone through just a few years ago, and the new fine particulate standard, at PM<sub>2.5</sub>, this year. Areas that have not previously been designated as nonattainment for the same pollutant will have 3 years to submit SIPs which include the motor vehicle emissions budget used to determine conformity. However, only a 1-year grace period is allowed before having to demonstrate conformity. Because of this, an area may have 2 years during which it must use some other means of demonstrating conformity.

Nonattainment areas are given the option of using the motor vehicle emissions budget from an approved SIP for the most recent prior standard for that

pollutant. For example, an area that is in nonattainment for the 1-hour ozone standard and is designated as being in nonattainment for the new 8-hour ozone standard may use its 1-hour budget to determine conformity until it has an approved budget for the 8-hour standard.

Nonattainment areas are also given the option of using other currently available tests for demonstrating conformity without an approved air quality SIP.

Section 1617 is in regard to reduced barriers to air quality improvements. Nonattainment areas can use transportation control measures, such as HOV lanes, transit projects, park-and-ride lots, ride-share programs, and pedestrian and bicycle facilities to improve air quality. These TCMs are often included in the State's air quality SIP. Currently, if a State determines it would be better served by substituting one type of TCM for another, the State must already have a substitution mechanism in its approved State implementation plan or it must revise its plan.

This bill provides a substitution mechanism for all States, provided that the TCM to be substituted achieves the same or greater emission reductions as the TCM being replaced, based on analysis using the latest planning assumptions and current models.

Now, it has been our intention, as we announced before, that the chairman of the Transportation Subcommittee, Senator BOND, would be recognized at this time for the purpose of—

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask for the yeas and nays on the Gregg amendment.

Mr. INHOFE. Madam President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Oklahoma does have the floor. I apologize.

Mr. INHOFE. Thank you, Madam President.

Section 1618 is in regard to the air quality monitoring data influenced by exceptional events.

This bill directs EPA to promulgate regulations governing the handling of air quality-monitoring data influenced by exceptional events, such as forest fires or volcanic eruptions, certainly something of great interest to the Senator from Arizona. These types of natural activities should not influence whether a region is meeting its Federal air quality goals.

The EPA is also required to reevaluate its approach to modeling carbon monoxide emissions from motor vehicles to ensure that it is appropriate for cold-weather States, such as Alaska.

**MORNING BUSINESS**

Mr. INHOFE. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators speaking for up to 30 minutes each.